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BIRCH STEWART KOLASCH & BIRCH			EXAMINER	
PO BOX 747			NGUYEN, QUANG N	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/512,057	Applicant(s) TOKUHASHI ET AL.
	Examiner QUANG N. NGUYEN	Art Unit 2441

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 July 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 21 October 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-146/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

Detailed Action

1. This Office Action is responsive to the Amendment filed on 07/24/2008. Claims 1-25 and 31 have been amended. Claims 1-32 remain pending for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makoto (JP 2000-224673), in view of Horie et al. (US 2003/0041137 A1), hereinafter “Horie”.**

4. As to claim 1, **Makoto** teaches a device control management apparatus, comprising:

a first communication section (*subunits 2A-2C*) connected to each of communication devices (*each remote controls 1A-1C*) via each of first communication paths (**Makoto, Fig. 1 and paragraphs [0014] and [0024]**);

a second communication section (*remote control commanders 5A-5C*) connected to each of controlled devices (*each of video sources 6A-6C*) via each of second communication paths (**Makoto, Fig. 1 and paragraphs [0014] and [0024]**); and

a control right management section (*network box/management section 4*) for managing a control right that is set between the communication device connected to the first communication section and the controlled devices connected to the second communication section (*acquisition or release of operation of each of video sources 6A-6C and the right of priority of each remote controls 1A-1C via each subunits 2A-2C is controlled by the network box/management section 4*) (**Makoto, Fig. 1 and paragraphs [0014] and [0024]**).

Makoto does not **explicitly** teach the control right management section includes a control information management table, in advance, that allows the control right management section to manage a control right that is set between the communication device and the controlled devices.

In the same field of endeavor, **Horie** teaches a home gateway apparatus (*i.e., a device control management apparatus*) connected via ports to a plurality of intra-home terminal devices installed in a home network, wherein the home gateway apparatus comprises (1) a management table memory to store, corresponding to port numbers, at least management information to be sent and a sending destination address of the intra-home terminal devices connected to the ports; (2) a management information memory to store, corresponding to the port numbers and the sending destination addresses, the management information of the intra-home terminal devices acquired from the intra-

home terminal device, according to a management table stored in the management table memory and (3) ... (**Horie, paragraph [0011-0012]**) to acquire necessary management information or to give a necessary operation command, getting direct access to the domestic use electrical equipment, from a portable terminal away from home or a terminal device at a distant location (**Horie, paragraph [0005]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the feature of the control right management section includes a control information management table, in advance, that allows the control right management section to manage a control right that is set between the communication device and the controlled devices, as disclosed by **Horie**, into the teachings of **Makoto**. One would be motivated to do so to provide a device control management apparatus such as the home gateway apparatus with advanced versatility that can flexibly perform a control of an acquisition and transmission of management information between a plurality of intra-home terminal devices and a plurality of manager terminals on a network (**Horie, paragraph [0010]**).

5. As to claim 2, **Makoto-Horie** teaches the device control management apparatus as set forth in claim 1, wherein the control right management section is capable of obtaining or releasing the control right, which allows the communication device connected to the first communication section to control the controlled device, connected to the second communication section, as management of the control right (**Makoto, Fig. 1 and paragraphs [0026-0039]**).

6. As to claim 3, **Makoto-Horie** teaches the device control management apparatus as set forth in claim 1, comprising communication management section for detecting a communication condition of at least one of the first communication path and the second communication path (*detecting a user operates the remote control 1A to send out the infrared remote control signal 10 to the subunit 2A*), wherein the control right management section is capable of changing a setting of the control right in accordance with variation of the communication condition detected by the communication management section (*information, i.e., ID, peculiar to the subunit 2A is added to the remote control signal 10, it is made the remote control signal 30 which is sent to the network box/management section 4 to set the control right of the remote control 1A to the video source 6A*) (**Makoto, Fig. 1 and paragraphs [0026-0027] and [0034-0039]**).

7. As to claim 4, **Makoto-Horie** teaches the device control management apparatus as set forth in claim 3, wherein in case where the communication management section detects that a communication of at least one of the first communication path and the second communication path is cut off (*wherein the network box 4 detects the release bit 43 from the control signal 40*), the control right management section releases the control right between the communication device and the controlled device that communicate with each other via said at least one of the first communication path and the second communication path (*in release of a right of priority, the network box 4 cancels the operation of control to the video source 6A from other subunit 2A-2C*) (**Makoto, Fig. 1 and paragraphs [0034-0039]**).

8. As to claim 5, **Makoto-Horie** teaches the device control management apparatus as set forth in claim 3, wherein in case where the communication management section detects that a communication of at least one of the first communication path and the second communication path is established (*detecting the command control signal 40 from subunit 2A*), the control right management section establishes the control right between the communication device and the controlled device that communicate with each other via said at least one of the first communication path and the second communication path (*information, i.e., ID, peculiar to the subunit 2A is added to the remote control signal 10, it is made the remote control signal 30 which is sent to the network box/management section 4 to set the control right of the remote control 1A to the video source 6A*) (**Makoto, Fig. 1 and paragraphs [0034-0039]**).

9. As to claim 6, **Makoto-Horie** teaches the device control management apparatus as set forth in claim 3, wherein in case where the setting of the control right is changed, the control right management section notifies how the control right is changed to the communication device or the controlled device that is connected to the other of the first communication path and the second communication path (*when it is the command control signal 40 as a result of distinction of the kind of data, the network box 4 distinguishes whether right-of-priority inclusion or the release bit 43 is acquisition of a right-of-priority, or it is release and then the right-of-priority can be granted to a specific subunit*) (**Makoto, Fig. 1 and paragraphs [0034-0039]**).

10. As to claims 7-8, **Makoto-Horie** teaches the device control management apparatus as set forth in claim 1, comprising setting input section which is capable of inputting the setting of the control right not via the first communication section, wherein in case where the setting input section inputs the setting of the control right, the control right management section prioritizes the setting of the control right that has been inputted (*the remote controls 1A-1C inputs the setting of the control right and the network box/management section 4 prioritizes the setting of the control right that has been inputted*) (**Makoto**, Fig. 1 and paragraphs [0017-0021]).

11. As to claims 9-10, **Makoto-Horie** teaches the device control management apparatus as set forth in claim 1, comprising display section which is capable of displaying a setting condition of the control right, wherein the display section is capable of displaying a relationship between the control right and the communication device having the control right as the setting condition (*as well-known in the art, the network box/management section 4 and/or the remote controls 1A-1C could have a display monitor/panel for displaying the status/condition of the home network*).

12. As to claim 11, **Makoto-Horie** teaches the device control management apparatus as set forth in claim 1, wherein the second communication section and the controlled device are provided in the device control management apparatus (*as well-known in the art, the subunits 2A-2C and the remote controls 1A-1C could be provided with and/or embedded/implemented as input buttons in the network box/management section 4*).

13. Claims 12-27 are corresponding device control management apparatus claims that contain similar limitations as claims 1-11; therefore, they are rejected under the same rationale.

14. As to claim 28, **Makoto-Horie** teaches the device control management apparatus as set forth in claim 1, wherein the device control management apparatus confirms a control right condition set in the controlled device when relaying a controlled device operation command sent from the communication device, and the device control management apparatus stops sending the controlled device operation command sent from the communication device or an operation command corresponding to the controlled device operation command in case where a device other than the communication device has the control right for the controlled device (*in acquisition of a right of priority, the network box 4 forbids the operation to other subunit 2Bs and the video source 6A from subunit 2C*) (**Makoto, paragraphs [0038-0041]**).

15. As to claim 29, **Makoto-Horie** teaches the device control management apparatus as set forth in claim 28, wherein the device control management apparatus adds the control right for the controlled device to a communication device which has sent the controlled device operation command in case where no device has the control right for the controlled device (**Makoto, paragraph [0036]**).

16. As to claim 30, **Makoto-Horie** teaches the device control management apparatus as set forth in claim 28, wherein the device control management apparatus releases the control right for the controlled device in case where the communication device which has sent the controlled device operation command is identical with a device having the control right that has been set with respect to the controlled device on the basis of the controlled device operation command (**Makoto, paragraph [0039]**).

17. As to claim 31, **Makoto-Horie** teaches the device control management apparatus as set forth in claim 28, wherein the control management section adds or releases the control right in accordance with a type of the control command (*adds or releases the control right in accordance with the result of distinction of the kind of data whether bit 43 is acquisition of a right of priority, or a release*) (**Makoto, paragraphs [0036-0039]**).

18. Claim 32 is a corresponding device control management apparatus claim that contains similar limitation of claim 11; therefore, it is rejected under the same rationale.

Claim Rejections - 35 USC § 102

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

20. Claims 1, 12 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Horie et al. (US 2003/0041137 A1), hereinafter “Horie”.

21. As to claims 1, 12 and 25, **Horie** teaches a device control management apparatus, comprising:

a first communication section connected to each of communication devices (*manager devices, portable terminal, etc.*) via each of first communication paths (*via ADSL, CABLE, TEL, etc.*) (**Horie, Fig. 1 and paragraphs [0028-0030]**);

a second communication section connected to each of controlled devices (*intra-home terminal devices*) via each of second communication paths (*via IEEE1394, 10BASE, WIRELESS, etc.*) (**Horie, Fig. 1 and paragraphs [0028-0030]**); and

a control right management section (*home gateway apparatus*) that includes a control information management table, in advance, that allows the control right management section to manage a control right that is set between the communication device connected to the first communication section and the controlled devices connected to the second communication section (*wherein the home gateway apparatus comprises (1) a management table memory to store, corresponding to port numbers, at least management information to be sent and a sending destination address of the intra-home terminal devices connected to the ports; (2) a management information memory to store, corresponding to the port numbers and the sending destination addresses, the management information of the intra-home terminal devices acquired from the intra-home terminal device, according to a management table stored in the management table memory and (3) ... (Horie, paragraph [0011-0012]) to acquire necessary management information or to give a necessary operation command, getting direct access to the domestic use electrical equipment, from a portable terminal away from home or a terminal device at a distant location Horie, paragraph [0005]).*

Conclusion

22. Applicant's arguments as well as request for reconsideration filed on 07/24/2008 have been fully considered but they are moot in view of the new ground(s) of rejection.

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

24. Further references of interest are cited on Form PTO-892, which is an attachment to this Office Action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang N. Nguyen/
Primary Examiner, Art Unit 2141